



# SLAVERY by Another Name

## WHOSE CONSTITUTIONAL RIGHTS?

**GRADE LEVEL:** 9-12

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### OVERVIEW

This activity guide focuses on the Reconstruction Amendments and acts enacted after the Civil War to extend rights to blacks, but also examines how these advances were undermined. Students will critically analyze the Thirteenth Amendment and learn how a key loophole within it was exploited for the use of forced labor after the Civil War. Students will also be able to examine the Fourteenth and Fifteenth amendments and the Civil Rights Act of 1875 and consider how subsequent decisions by the Supreme Court regarding rights for blacks were in direct conflict.

### BACKGROUND

During Reconstruction, three amendments to the Constitution were made in an effort to establish equality for black Americans.

The Thirteenth Amendment, adopted in 1865, abolishes slavery or involuntary servitude except in punishment for a crime. The Fourteenth Amendment, adopted in 1868, defines all people born in the United States as citizens, requires due process of law, and requires equal protection to all people. The Fifteenth Amendment, ratified in 1870, prevents the denial of a citizen's vote based on race, color or previous condition of servitude.

Initially, with federal laws and federal troops offering protection, blacks began to vote and gain political power and the federal government began to attempt to rebuild the South's economy, politics and culture. The 1875 Civil Rights Act had stated that all races were entitled to equal treatment in public accommodations.

By 1877, however, because of expenses, administrative corruption, Northern exhaustion, and Southern protests, the federal government withdrew from the South, and black disenfranchisement and oppression quickly followed.

Many Southern states began enacting and enforcing an array of laws intended to re-subjugate newly freed blacks and provide cheap sources of labor. Vagrancy, loitering, riding the rails, changing jobs, even talking too loudly in public — these behaviors and more — all became crimes carrying stiff fines or sentences. The “pig laws” unfairly penalized crimes such as stealing a pig (crimes more likely to be committed by poor blacks), as opposed to crimes more likely to be committed by whites. These laws led to more arrests, more

prisoners, and as a result, forced labor emerged as an effective tool of racial oppression to return blacks to a role as close to slaves as possible.

An 1883 Supreme Court decision clarified that the 1875 Civil Rights Act did not apply to private persons or corporations. In 1896, in the landmark *Plessy v. Ferguson* decision, the Supreme Court ruled that “separate but equal” was fair, and was not a violation of the Fourteenth Amendment requiring equal protection to all.

After the *Plessy vs. Ferguson* decision, segregation became even more ensconced through a battery of Southern laws and social customs known as “Jim Crow.” Schools, theaters, restaurants and transportation cars were segregated. Poll taxes, literacy requirements and grandfather clauses not only prevented blacks from voting, but also made them ineligible to serve on jury pools or run for office. “Separate but equal” and Jim Crow remained unchallenged until *Brown v. Board of Education* in 1954 and the Civil Rights Act of 1964.

For additional background, visit the following from the *Slavery by Another Name* Theme Gallery:

**Reconstruction Amendments:**

<http://www.pbs.org/tpt/slavery-by-another-name/themes/reconstruction-amendments/>

**Jim Crow and *Plessy v. Ferguson*:**

<http://www.pbs.org/tpt/slavery-by-another-name/themes/jim-crow/>

## **ESSENTIAL QUESTIONS**

1. Why didn't the Thirteenth Amendment truly abolish slavery?
2. What are the powers and limits of the federal government in protecting the rights of all citizens?
3. What role do Supreme Court rulings play in empowering and undermining legislation?

## **ENDURING UNDERSTANDING**

The rights of all citizens not only need to be established, but also, they need to be protected and enforced at all levels of our government.

## SUGGESTED ACTIVITIES

### ACTIVITY: AN EXCEPTION TO FREEDOM

1. Ask students to define slavery. Then, based upon the definitions provided, ask them to explain how slavery ended in America.
2. Project the following text from the Thirteenth Amendment:  
“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States.”
3. Solicit responses from students about the amendment’s meaning. Inquire about the implications of the inclusion of “except as a punishment for crime.”
4. Prepare to view “The Thirteenth Amendment Didn’t Abolish Slavery?” by facilitating a discussion using the pre-viewing questions. Provide a background on the clip for students. After viewing, continue the discussion using the post-viewing questions.
5. Ask students to consider ways that this loophole in the Thirteenth Amendment could be used to enslave people. Have students consider specifically how this loophole might be used to re-enslave the newly freed blacks. Also have students consider who would be affected by the amendment now.
6. Play *Slavery by Another Name* clip. After viewing, have students make the connection between the loophole in the Thirteenth Amendment and the subsequent use of forced labor after its passage.
7. Have students compose a letter to the Thirty-Eighth United States Congress, responsible for passing the Thirteenth amendment, outlining recommendations to ensure that the amendment would truly abolish slavery. Sample recommendations include more concise language, additional legislation to ensure enforcement, and so on. If technology is available, consider posting student work in an online classroom space such as a blog platform like Tumblr ([www.tumblr.com](http://www.tumblr.com)) or WordPress ([www.wordpress.com](http://www.wordpress.com)).

### ACTIVITY: A LEGACY OF LEGISLATION

1. Prepare to view “Presidential Reconstruction,” by facilitating a discussion using the pre-viewing questions. Provide background on the clip for students. After viewing, facilitate a discussion using the post-viewing questions.
2. Prepare to view “What are the Reconstruction Amendments,” by facilitating a discussion using the pre-viewing questions. Provide background on the clip for

students. After viewing, facilitate a discussion using the post-viewing questions.

3. Prepare to listen to “1883” by facilitating a discussion using the pre-listening questions. Provide background on the clip for students. After listening, facilitate a discussion using the post-listening questions.
4. Divide students into groups. Assign each group one amendment, act or Supreme Court decision to research and present to the class. The information that they gather should include notable dates, summary of the legislation and rights guaranteed, impact of legislation and legacy of the legislation. Assign the Fourteenth Amendment, Fifteenth Amendment, Civil Rights Act of 1875, the Supreme Court’s *Civil Rights Cases* decision of 1883, and *Plessy v. Ferguson*.
5. Have groups select one person to share their research with the class. Next have the group representatives organize themselves in order by the date that their amendment, law or decision was passed to create a human timeline.
6. Have each group’s representative present their research. Then have the groups that were assigned the Fourteenth Amendment, Fifteenth Amendment, and Civil Rights Act to stand on one side of the room and the *Civil Rights Cases* of 1883 and *Plessy v. Ferguson* on the other. Have the groups talk back to one another in a moderated discussion about the intent and impact of the assigned amendment, act or decision, but also how they were in direct agreement or conflict with one another.
7. Facilitate a summary discussion about the intent and impact of each and how the *Civil Rights Cases* of 1883 and *Plessy v. Ferguson* were in conflict with the Reconstruction Amendments and Civil Rights Act of 1875. Ask students to consider whether the rights outlined in these amendments and acts were guaranteed, and if so for whom? Also, encourage students to make connections between the powers and limits of the federal government as well as the contemporary necessity of protecting citizen’s rights.
8. As an extension activity, have students develop a digital timeline of all the legislation and cases discussed using an online resource like Dipity ([www.dipity.com](http://www.dipity.com)), which allows users to create, share, embed and collaborate on interactive timelines that integrate video, audio, images, text, links, social media, location and timestamps.

## MULTIMEDIA CLIPS

### **The Thirteenth Amendment Didn't Abolish Slavery?**

<http://www.pbs.org/tpt/slavery-by-another-name/themes/reconstruction-amendments/thirteenth-amendment-didnt-abolish-slavery/>

This video clip explains why, without enforceable legislation, the Thirteenth Amendment did not truly abolish slavery.

#### **Pre-Viewing Discussion Questions**

1. What justifications have been provided in the past to support the enslavement of another human being?
2. What does the Constitution guarantee? Why were amendments necessary?

#### **Post-Viewing Discussion Questions**

1. Why didn't the Thirteenth Amendment truly abolish slavery?
2. Are rights actually guaranteed without enforcement?

### ***Slavery by Another Name* Clip**

<http://video.pbs.org/video/2192491729>

This short trailer summarizes the history covered in *Slavery by Another Name*.

#### **Pre-Viewing Discussion Questions**

1. What do you think the South was like politically and socially after the passage of the Thirteenth Amendment?
2. Did the South readily embrace the newly freed blacks?

#### **Post-Viewing Discussion Questions**

1. In what ways were blacks re-enslaved after the passage of the Thirteenth Amendment?
2. What factors allowed for this re-enslavement of blacks?

### **Presidential Reconstruction**

<http://www.pbs.org/tpt/slavery-by-another-name/themes/reconstruction/video-presidential-reconstruction/>

This video clip explains the purpose behind the federal government's decision to enact Reconstruction policies.

### **Pre-Viewing Discussion Questions**

1. Why was there a need for Reconstruction after the Civil War?

### **Post-Viewing Discussion Questions**

1. Based on its purpose, do you think Reconstruction was successful? Why or why not?
2. Why caused the end of Reconstruction?

### **What Are the Reconstruction Amendments?**

<http://www.pbs.org/tpt/slavery-by-another-name/themes/reconstruction-amendments/>

This video clip explains the Thirteenth, Fourteenth and Fifteenth amendments, also known as the Reconstruction Amendments.

### **Pre-Viewing Discussion Questions**

1. What was the purpose of the Reconstruction Amendments?

### **Post-Viewing Discussion Questions**

1. How did the Fourteenth Amendment overrule the Supreme Court's decision regarding black citizenship?
2. To what extent were the Amendments enforced after the Civil War? Who was responsible for enforcement?

### **1883**

<http://video.pbs.org/widget/partnerplayer/2195221072/?w=400&h=224&chapterbar=false&autoplay=true>

In this excerpt from the book *Slavery by Another Name*, author Douglas A. Blackmon writes about the impact of the U.S. Supreme Court's decision in the *Civil Rights Cases* (a consolidation of five similar cases) of 1883 to only enforce the Civil Rights Act of 1875 under rare circumstances, effectively making civil rights a local, not federal, issue. Congress didn't pass similar legislation until 1957.

### **Pre-Listening Discussion Questions**

1. Should the federal government protect civil rights? Or should that be managed by the states? Why or why not?

2. Even though the Thirteenth, Fourteenth, and Fifteenth amendments guaranteed specific rights, why do you think those rights were so hard to enforce during the late nineteenth and early twentieth centuries?

### **Post-Listening Discussion Questions**

1. How did the Supreme Court's 1883 decision undermine the Reconstruction Amendments?
2. What were some of the specific impacts of this decision?
3. Why do you think it took more than eighty years — from 1875 to 1957 — for Congress to pass another civil rights act?

### **ADDITIONAL RESOURCES**

Civil Rights Act of 1875 Overturned | PBS

[http://www.pbs.org/wnet/jimcrow/stories\\_events\\_uncivil.html](http://www.pbs.org/wnet/jimcrow/stories_events_uncivil.html)

United States Bill of Rights| National Archives

[http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html)

The Constitution Amendments Thirteen – Twenty-Seven| National Archives

[http://www.archives.gov/exhibits/charters/constitution\\_amendments\\_11-27.html](http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html)

“Five Ways Students Can Build Multimedia Timelines” | Free Technology for Teachers

<http://www.freetech4teachers.com/2010/05/five-ways-for-students-to-build.html>

### **STANDARDS**

#### **Common Core State Standards**

Reading Standards for Literacy in History and the Social Studies

Standards 1 to 3: Key Ideas and Details

Standards 7 to 9: Integration of Knowledge and Ideas

<http://www.corestandards.org/>

#### **IRA/NCTE National Standards for English Language Arts**

Standard 1; Standard 3; Standard 7

<http://www.ncte.org/library/NCTEFiles/Resources/Books/Sample/StandardsDoc.pdf>

#### **National Standards for Social Studies**

Theme 2: Time, Continuity, and Change; Theme 6: Power, Authority, and Governance

<http://www.socialstudies.org/standards>

#### **National Standards for History**

ERA 6: The Development of the Industrial United States (1870–1900)  
Standard 1B; Standard 2B; Standard 3A; Standard 3B

<http://www.nchs.ucla.edu/Standards/>

**Historical Thinking Standards**

Standard 1; Standard 2; Standard 3

<http://nchs.ucla.edu/Standards/historical-thinking-standards-1/overview>